

REMARKS

Claims 1-18 were presented for examination. Reconsideration is respectfully requested.

The disclosure is objected to for updating the status of the related application, which has been done.

Claims 2-4, 13-15 are objected to under 37 CFR 1.75(c), and rejected under 35 USC 112, second paragraph for not limiting the subject matter of the previous claim. These objections and rejections are respectfully traversed.

Claims 1, 10 recite a surface area increasing material selected from three different materials. Claims 2-4, 13-15 are each directed to only one of the three materials. Thus Claims 2-4, 13-15 are narrower in scope than the base claims, and are proper dependent claims. Accordingly the rejections/objections are obviated.

Claims 1, 5-12, 16-18 are rejected under 35 USC 101 for double patenting over various claims of US Patent 6,598,459. This rejection is respectfully traversed.

The Patent Office erred in issuing US Patent 6,598,459 with Claims 1-16. These are not the allowed claims. After receipt of a notice of allowance, and payment of the issue fee, Applicant was notified that the Patent Office had lost the file. Applicant submitted all correspondence to reconstruct the file. However, in issuing the patent the Patent Office included the claims as amended after the first office action, which were not allowed, instead of the 29 claims from a later response that were allowed. Applicant has requested that the Patent Office correct the claims of the issued patent.

The allowed claims were limited to aerogel material, a different material from the materials being claimed in the present case. The present application was filed to cover

the other materials which were not considered in the parent case. Accordingly no double patenting exists since the subject matter of the present claims is not included in the allowed claims of the parent case.

A petition and fee for a two month extension of time are submitted herewith.

Accordingly it is submitted that all claims now present in the case are in condition for allowance which is earnestly solicited. If any impediment should remain which can be resolved by telephone, please contact Applicant at (415) 824-5729.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Chi Yung Fu', with a stylized flourish at the end.

Chi Yung Fu
Applicant

Date: 07/24/2004